

## REMARKS

The Office Action mailed July 14, 2008 and made final has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-20 and 45-53 are now pending in this application. Claims 1-20 and 45-53 stand rejected.

The rejection of Claims 1 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

Examiner asserts on page 2 of the Office Action that the recitation of a “financing requirement” in Claims 1, 11, and 45 is unclear. Specifically, Examiner asserts that it is unclear from the claim language what a “financing requirement” entails. Applicants respectfully traverse this assertion. For example, paragraphs [0038]-[0041] of the originally filed specification, in light of Figures 6 and 7, describe what a financing requirement entails. However, in the interest of expediting prosecution, Claims 1, 11, and 45 have been amended to recite “requirement for financing.” As such, Applicants respectfully submit that Claims 1, 11, and 45 are definite and particularly point out and distinctly claim the subject matter of the invention.

Moreover, Examiner asserts on page 3 of the Office Action that Claims 1, 11, and 45 are unclear and vague. Specifically, Examiner asserts that the recitations of “analyzing the information” and “recommending to the customer” are unclear and vague as to who or what is analyzing the information and doing the recommending to the customer. Applicants traverse this assertion. For example, Claim 1 recites “A method *for operating a computer . . .*.” (Emphasis added.) Moreover, paragraphs [0035]-[0036] of the originally filed specification recites:

[0035] FIG. 4 is a flow chart 70 illustrating process steps for facilitating a financing inquiry regarding a power generation site. Flowchart 70 further includes process steps relating to using an equity valuation tool for use in determining financing options. In one exemplary embodiment, a customer accesses 72 system and the system prompts the customer, to select 73 a financing type or an energy solutions tool. If the customer inputs a selection 73 of a financing type, a query is performed 76, and if the financing type selection is a project common equity selection, the customer is prompted 78 to input whether

an equity valuation is desired. If an equity valuation is desired, an equity valuation is performed 80 using an equity valuation tool which bases the equity valuation on customer input to questions (See FIGS. 15 and 16 below). After the valuation is completed, the customer is queried 82 whether to display 84 the valuation results. Whether or not the valuation is displayed 84, the customer has an option to perform 85 another equity valuation or return to the prompt to select 73 a financing type or energy solutions tool.

[0036] When the query is performed 76, and the financing type selection is not a project common equity selection, or if the customer originally selected the energy solutions tool, the customer is prompted 86 to provide background information based on the facility for which the financing is desired. Next, the customer is prompted to answer 88 financing specific questions. Once answers to the financing specific questions have been provided, a financing product is recommended 90. After a financing product recommendation 90, if the customer is interested in pursuing financing, the customer is prompted 92 to provide contact information so that they can be contacted by a financing company representative.

Applicants respectfully submit that at least paragraphs [0035]-[0036], in light of the figures, describe that a system analyzes information and recommends financing options. As such, Applicants respectfully submit that Claims 1, 11, and 45 are definite and particularly point out and distinctly claim the subject matter of the invention.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1 and 45 under Section 112, second paragraph be withdrawn.

The rejection of Claims 1-7, 11-17, and 45-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,940,812 (Tengel) is respectfully traversed.

Applicants respectfully submit that Tengel neither describes nor suggests the claimed invention. At least one of the differences between Tengel and the present invention is that Tengel neither describes nor suggests *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset*. As admitted on page 4 of the Office Action:

Tengel failed to disclose . . . calculating and [*sic*] equity valuation using the equity valuation tool and information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset.

Examiner asserts on pages 4-5 of the Office Action that column 57, lines 1-column 58, line 53 of U.S. Patent 7,177,834 (Maestle) describes calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset. Applicants respectfully traverse this assertion.

Column 57, lines 1-column 58, line 53 of Maestle describes a repayment phase and disbursement schedule. Specifically, Maestle describes checklists for “Create a Repayment Plan,” “Create a Disbursement Schedule,” “Finance a Contract or go Manual,” and “Look at or Publish the Loan”; in contrast, the present application describes *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset*. Applicants respectfully submit that Maestle neither describes nor suggests calculating an equity valuation. Moreover, Maestle neither describes nor suggests an energy-related asset. As such, Applicants respectfully submit that Maestle neither describes nor suggests *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset* as is recited in Claim 1.

Tengel describes a loan origination system (100) for matching a best available loan to a potential borrower. The system (100) accepts and stores into a database (110) borrower attributes entered via a web browser, such as the loan product the borrower is applying for, the gross income of the borrower, current monthly debt payments by the borrower, and other personal information. The system (100) also accepts and stores into the database (110) further borrower attributes received from one or more credit bureaus (116). The system (100) then compares the borrower attributes with a set of loan acceptance criteria also stored in the database (110) to determine available loans for which the borrower qualifies. The system (100) ranks the loans and the borrower selects a particular loan from a particular lender. When the loan and lender have been selected, the system (100) generates a loan application from the borrower attributes and transmits the application to the lender (102) for approval.

Claim 1 recites a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset, the method including the steps of “prompting a customer to provide information related to at least one requirement for financing . . . prompting the customer to input into the computer information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline . . . prompting the customer to input into

the computer responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset . . . analyzing the information inputted into the computer by the customer . . . recommending to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include a financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity . . . and calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset.”

Applicants respectfully submit that Tengel neither describes nor suggests a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset as is recited in Claim 1. Specifically, Applicants respectfully submit that Tengel neither describes nor suggests *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset*. As admitted on page 4 of the Office Action:

Tengel failed to disclose . . . calculating and [sic] equity valuation using the equity valuation tool and information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset.

For at least the reasons set forth above, Claim 1 is submitted as patentable over Tengel.

Claims 2-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 2-7 likewise are patentable over Tengel.

Claim 11 recites a computer for facilitating a selection of a financing product for financing an energy-related asset, the computer programmed to “prompt a customer to provide information related to at least one requirement for financing . . . prompt the customer to input information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline . . . prompt the customer to input responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset . . . analyze the information inputted by the customer . . . recommend to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include a

financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity . . . and calculate an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset.”

Applicants respectfully submit that Tengel neither describes nor suggests a computer for facilitating a selection of a financing product for financing an energy-related asset as is recited in Claim 11. Claim 11 recites a computer programmed to perform steps essentially similar to those recited in Claim 1. For at least the reasons that correspond to those given with respect to Claim 1, Claim 11 is submitted as patentable over Tengel.

Claims 12-17 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 12-17 are considered in combination with the recitations of Claim 11, Applicants respectfully submit that dependent Claims 12-17 likewise are patentable over Tengel.

Claim 45 recites an apparatus for facilitating a selection of a financing product for financing an energy-related asset, the apparatus comprising: “means for prompting a customer to provide information related to at least one requirement for financing . . . means for prompting the customer to input information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline . . . means for prompting the customer to input responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset . . . means for analyzing the information inputted into the computer by the customer . . . means for recommending to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include a financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity . . . and means for calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset.”

Applicants respectfully submit that Tengel neither describes nor suggests an apparatus for facilitating a selection of a financing product for financing an energy-related asset as is recited in Claim 45. Claim 45 recites an apparatus comprising means for performing steps

essentially similar to those recited in Claim 1. For at least the reasons that correspond to those given with respect to Claim 1, Claim 45 is submitted as patentable over Tengel.

Claims 46-48, directly or indirectly, depend from independent Claim 45. When the recitations of Claims 46-48 are considered in combination with the recitations of Claim 45, Applicants respectfully submit that dependent Claims 46-48 likewise are patentable over Tengel.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-7, 11-17, and 45-48 under Section 103 be withdrawn.

The rejection of Claims 3-10, 13-20, and 47-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,940,812 (Tengel) in view of U.S. Patent 7,177,834 (Maestle) is respectfully traversed.

Tengel is described above.

Maestle describes a computer program that enables a user create and prepare for a project, including financial forecasting using standard project finance tools. Capital expenditures are entered for one or more contracts within the project, including loans incurred in order to undertake the project. After a desired financing time horizon is selected for each loan, a user may enter, for each loan, disbursements and/or select a capital expenditure category to which the loan should be applied. The computer program generates a loan disbursement time series, which the user may modify based on changed capital expenditures and/or exchange rates.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tengel and Maestle neither describes nor suggests a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset as is recited in Claim 1. Specifically, Applicants respectfully submit that no combination of Tengel and Maestle neither describes nor suggests *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset*. As admitted on page 4 of the Office Action, Tengel neither describes nor suggests a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset,

and, as discussed above, Maestle does not make up for the deficiencies of Tengel. For at least the reasons set forth above, Applicants respectfully submit that Maestle neither describes nor suggests *calculating an equity valuation using information inputted by the customer, wherein the calculated equity valuation relates to the energy-related asset* as is recited in Claim 1. Accordingly, Claim 1 is submitted as patentable over Tengel in view of Maestle.

Claims 3-10, directly or indirectly, depend from independent Claim 1. When the recitations of Claims 3-10 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 3-10 likewise are patentable over Tengel in view of Maestle.

Claim 11 is recited above.

Applicants respectfully submit that no combination of Tengel and Maestle neither describes nor suggests a computer for facilitating a selection of a financing product for financing an energy-related asset as is recited in Claim 11. Claim 11 recites a computer programmed to perform steps essentially similar to those recited in Claim 1. For at least the reasons that correspond to those given with respect to Claim 1, Claim 11 is submitted as patentable over Tengel in view of Maestle.

Claims 13-20 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 13-20 are considered in combination with the recitations of Claim 11, Applicants respectfully submit that dependent Claims 13-20 likewise are patentable over Tengel in view of Maestle.

Claim 45 is recited above.

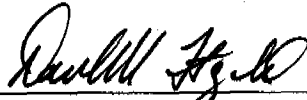
Applicants respectfully submit that no combination of Tengel and Maestle neither describes nor suggests an apparatus for facilitating a selection of a financing product for financing an energy-related asset as is recited in Claim 45. Claim 45 recites an apparatus comprising means for performing steps essentially similar to those recited in Claim 1. For at least the reasons that correspond to those given with respect to Claim 1, Claim 45 is submitted as patentable over Tengel in view of Maestle.

Claims 47-53, directly or indirectly, depend from independent Claim 45. When the recitations of Claims 47-53 are considered in combination with the recitations of Claim 45, Applicants respectfully submit that dependent Claims 47-53 likewise are patentable over Tengel in view of Maestle.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 3-10, 13-20, and 47-53 under Section 103 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Daniel M. Fitzgerald  
Registration No. 38,880  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070